

REMARKS

Claims 1-32 are pending in the present application. Claims 1, 13 and 25 are independent. Reconsideration of this application, in view of the following remarks, is respectfully requested.

Examiner Interview

An interview was conducted with the Examiner in charge of the above-identified application on May 29, 2008. Applicants appreciate the courtesy shown by the Examiner during the interview.

In the interview with the Examiner, the Examiner was asked to reconsider the arguments submitted in the Reply filed April 16, 2008. After further consideration, the Examiner indicated that the arguments were persuasive. The Examiner also requested Applicants to re-submit the arguments to re-open prosecution. In accordance with the Examiner's request, the arguments are presented hereinbelow.

Rejections Under 35 U.S.C. § 103

Claims 1-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Houghton, U.S. Patent No. 5,660,017 in view of Fouse, U.S. Patent No. 3,458,647. This rejection is respectfully traversed.

At the outset, Applicants note that the Houghton reference relied on by the Examiner has not been officially made of record in the present application. **Applicants respectfully request that the Examiner cite this reference on a PTO-892 Form, so that this reference will be listed on any patent that results from the present application.**

In any event, the present invention is directed to a joint structure, a building and a method of assembling or reinforcing a building.

Independent claims 1 and 13 are directed to the joint structure and the building, respectively. Each of independent claims 1 and 13 recites a combination of elements including "a plurality of splice plates connected to said gusset plate, each of said plurality of splice plates being constructed from section steel having a non-rectangular cross-section, at least one of said plurality of splice plates having a face in direct contact with the first opposed face of said gusset plate and at least another of said plurality of splice plates having a face in direct contact with the second opposed face of said gusset plate."

Independent claim 25 is directed to the method of assembling or reinforcing a building. Independent claim 25 recites a combination of steps including "providing a plurality of splice plates, said plurality of splice plates having a non-rectangular cross-section" and "connecting a first end of each of said plurality of splice plates to said gusset plate such that at least one of said plurality of splice plates has a face in direct contact with the first opposed face of the gusset plate and at least another of said plurality of splice plates has a face in direct contact with the second opposed face of said gusset plate."

Applicants respectfully submit that the references relied on by the Examiner fail to teach or suggest the present invention as recited in independent claims 1, 13 and 25.

Referring to Figure 6 of the Houghton reference relied on by the Examiner, this reference discloses a pair of gusset plates 25 and 26 that are welded to a column section 14 by a first face. A pair of flange cover plates 28 and a pair of vertical shear transfer plates are welded between the two gusset plates 25 and 26 (see Figures 4 and 6).

The Examiner has considered the elements 20, 34, 35 and 40 to be the plurality of splice plates. However, these elements are not "non-rectangular" as recited in the independent claims of the present invention. In addition, as can be understood from Figures 3 and 4 of Houghton, the plates 20, 34 and 35 are not in "direct contact" with the gusset plates 25 and 26. The plates 20, 34 and 35 are located at a spaced location from the gusset plates 25 and 26, since these plates are used to connect the stub beam section 30 to the link beam 19 (see Figure 6). In view of this, the plates 20, 34 and 35 cannot be considered the splice plates of the presently claimed invention.

It is also noted that the present claims require at least one splice plate in direct contact with the second face of the gusset plates. The Examiner has considered the plate 40 (see Figures 5 and 6) to be the splice plate on the second face. However, this plate 40 is not "non-rectangular" as claimed. In addition, it does not appear that this splice plate is discussed specifically in the specification of the Houghton reference. Therefore, the plate 40 cannot be considered one of the splice plates of the present invention.

As can be understood from Figure 4 of Houghton, the flange cover plates 28 and the vertical shear transfer plates 32 are welded to the first face of the gusset plates 25 and 26. However, these elements are also rectangular, so they cannot be considered the "non-rectangular" splice plates of the present invention. It would be necessary for the Examiner to consider several of the various plates together to be the non-rectangular splice plates connected to the first face of the gusset plates 25 and 26. However, even if this position is taken by the Examiner, the second faces of the gusset plates 25 and 26 are only in contact with the rectangular plate 40 (see Figure 5). Therefore, the Houghton reference fails to teach the presently claimed invention.

With regard to the Fouse reference relied on by the Examiner, this reference has only been relied on for a teaching of a steel plate. Therefore, this reference does not make up for the deficiencies of Houghton.

With regard to dependent claims 2-12, 14-24 and 26-32, Applicants respectfully submit that these claims are allowable due their respective dependence upon independent claims 1, 13 and 25, as well as due to the additional recitations in these claims.

In view of the above amendments and remarks, Applicants respectfully submit that claims 1-32 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the Examiner's rejection under 35 U.S.C. § 103 are respectfully requested.

CONCLUSION

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but merely to show the state-of-the-art, no further comments are deemed necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Paul C. Lewis, Registration No. 43,368 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: June 16, 2008

Respectfully submitted,

By 

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